

Message Text

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PAGE 01 CAPE T 00395 020918Z
ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10
HA-05 CIAE-00 DODE-00 PM-05 H-01 INR-10 L-03
NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00
INRE-00 /109 W

-----086539 020923Z /21

O 020818Z MAR 78
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 6852
USMISSION USUN NEW YORK IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA

C O N F I D E N T I A L CAPE TOWN 0395

E.O. 11652: GDS
TAGS: PDEV, WA, SF
SUBJ: NAMIBIA - DATE OF WITHDRAWAL OF SOUTH AFRICAN FORCES

REF: A) STATE 047742; B) USUN 629

1. IN CONNECTION WITH THE CONTACT GROUP'S CONSIDERATION OF
TALKING POINTS FOR THE PROPOSED MEETING WITH BOTHA, WE WOULD
LIKE TO PROPOSE THE GROUP TAKE ANOTHER LOOK AT THE POSSIBILITY
OF AMENDING THE PROVISION IN THE WESTERN PROPOSAL THAT THE
SOUTH AFRICAN RESIDUAL FORCE WOULD BE WITHDRAWN WITHIN ONE
WEEK OF THE CERTIFICATION OF THE ELECTION. THIS A MAJOR
ISSUE FOR THE SAG AND ONE ON WHICH IT HAS SUBSTANTIAL PUBLIC
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BACKING, INCLUDING THAT OF MODERATE GROUPS, IN SOUTH AFRICA
AND NAMIBIA (CAPE TOWN 205 & 315). IT IS ALSO AN
ISSUE WHICH THE SAG WILL USE, PERHAPS PERSUASIVELY,
IN PRESENTING ITS CASE TO THE WORLD.
WE BELIEVE THAT WITH A SLIGHT MODIFICATION IN THE
CONCEPT OF WITHDRAWAL WE CAN DEPRIVE THE SAG OF AN
ARGUMENT FOR REJECTING THE PROPOSALS AND BUTTRESSING

ITS PROPAGANDA CAMPAIGN.

2. WE ARE SENSITIVE TO THE PROBLEMS CITED BY THE DEPT AND USUN (REF A & B) WHICH ANY MODIFICATION OF THIS CONCEPT WOULD GIVE TO SWAPO. THERE IS THIS RISK IN TAMPRING WITH THE PROVISION AS IT NOW STANDS, THOUGH ONE WOULD THINK CONTINUED SADF PRESENCE DURING THE ELECTORAL PERIOD--TO WHICH SWAPO HAS IN PRINCIPLE AGREED--MORE OBJECTIONABLE TO SWAPO THAN DURING THE PERIOD BETWEEN THE ELECTIONS AND INDEPENDENCE.

3. WE SUGGEST A VARIATION OF THE BRITISH PROPOSAL (REF B) FOR CONSIDERATION:

"WITHDRAL MUST BE COMPLETED WITHIN ONE WEEK OF THE CONVOCAION OF THE CONSTITUENT ASSEMBLY, SUBJECT TO WHATEVER ARRANGEMENTS THE CONSTITUENT ASSEMBLY MAY WISH TO MAKE PENDING INSTALLATION OF THE NEW NAMIBIAN GOVERNMENT". SINCE THE CONSTITUENT ASSEMBLY IS TO CONVENE ONE WEEK AFTER CERTIFICATION OF THE ELECTION, THIS LANGUAGE IN EFFECT CALLS FOR THE WITHDRAWAL OF SOUTH AFRICAN FORCES ONLY ONE WEEK LATER THAN ORIGINALLY CONTEMPLATED BY OUR PROPOSAL, SUBJECT, HOWEVER, TO THE QUALIFICATION THAT THE CONSTITUENT ASSEMBLY COULD IF IT WISHED NULIFY THIS PROVISION.

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4. WE THINK IT WOULD BE DIFFICULT FOR SWAPO TO REJECT THIS WORDING SINCE, ASSUMING THERE HAD BEEN FREE AND FAIR ELECTIONS, THE CONSTITUENT ASSEMBLY WOULD HAVE TO BE ACCEPTED AS REPRESENTING THE VOICE OF THE PEOPLE OF NAMIBIA. AND THE ELECTORATE WOULD KNOW AT THE TIME IT GOES TO THE POLLS THAT THIS DECISION WOULD BE ONE OF THE DUTIES OF THE CONSTITUENT ASSEMBLY; IT WOULD BE A SPECIFIC ISSUE IN THE ELECTION CAMPAIGN. WE DO NOT THINK IT COULD BE REASONABLY ARGUED THAT THE PEOPLE SHOULD NOT HAVE A CHOICE IN THIS MATTER.

5. WITH RESPECT TO VORSTER'S SUPPOSED UNDERTAKING TO GUARANTEE NAMIBIAN SECURITY UNTIL INDEPENDENCE, I WOULD HARDLY BE REASONABLE FOR HIM TO REJECT A DECISION BY THE CONSTITUENT ASSEMBLY, SPEAKING FOR THE PEOPLE HE HAS PROMISED TO PROTECT, TO RELIEVE HIM OF THIS OBLIGATION IF IT CHOSE TO DO SO.

6. THE REACTION OF THE SAG AND SWAPO TO THIS FORMULATION WOULD OF COURSE DEPEND HEAVILY ON THE CALCULATIONS OF EACH ABOUT THE PROBABLE OUTCOME OF THE ELECTIONS.

EITHER OR BOTH MIGHT ARGUE THAT SUCH DECISION WOULD NOT
BEA PROPER FUNCTION FOR A CONSTITUENT ASSEMBLY. WHILE
IT MAY NOT NECESSARILY PERSUADE EITHER SWAPO OR THE SAG,
A REASONABLE RESPONSE WOULD BE THAT THE PROPOSAL IS NONE-
THELESS EQUITABLE; THE PARTIES ARE NOT BOUND BY PRECEDENT;
THEY ARE FREE TO AGREE TO CONFER UPON THE CONSTITUENT
ASSEMBLY ANY POWERS THEY CHOOSE. THE SAG MIGHT ALSO
PROTEST THAT SWAPO'S SUPPORTERS IN THE CONSTITUENT ASSEMBLY
BY PARLIAMENTARY MANEOUVERING OR ABSENTING THEMSELVES
FROM THE ASSEMBLY UNTIL EXPIRATION OF THE ONE-WEEK TIME
LIMIT, COULD PREVENT THE TAKING OF A DECISION AND THUS
AUTOMATICALLY REQUIRE THE DEPARTURE OF SOUTH AFRICAN
TROOPS. THE ANSWER TO THAT WOULD HAVE TO BE THAT SWAPO
IN SUCH EVENT WOULD BE SEEN AS GUILTY OF DELIBERATE
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SABOTAGE AND VIOLATION OF THE AGREEMENT WITH THE
CONSEQUENCES THIS COULD BRING.
BOWDLER

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